

The result was announced, yeas 73, nays 26, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—73

Abraham	Feinstein	Lott
Akaka	Ford	Lugar
Ashcroft	Frahm	Mack
Baucus	Frist	McCaïn
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Bryan	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Heflin	Robb
Chafee	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Conrad	Inouye	Smith
Coverdell	Jeffords	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
Daschle	Kempthorne	Thompson
DeWine	Kennedy	Thurmond
Dodd	Kyl	Warner
Domenici	Levin	
Faircloth	Lieberman	

NAYS—26

Boxer	Harkin	Murray
Bradley	Hatfield	Pell
Brown	Kerrey	Rockefeller
Bumpers	Kerry	Sarbanes
Byrd	Kohl	Simon
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Moseley-Braun	Wyden
Glenn	Moynihan	

NOT VOTING—1

Pryor

The conference report was agreed to. Mr. THURMOND. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEFENSE OF MARRIAGE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote on passage of H.R. 3396, the Defense of Marriage Act.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

Mr. President, during the debate this morning, we had excellent presentations by the Members who spoke at length about the serious legal and constitutional concerns raised by this bill. The first concern was that for over 200 years the States themselves have had sufficient power in recognizing or not recognizing marriage conditions in other States. They have done that for 200 years, and 15 States now have already indicated they would not recognize same-sex marriages, so they have the authority already after 200 years.

Second, by trying to enhance or diminish the full faith and credit provisions of the Constitution, that is basically unconstitutional. We cannot enhance full faith and credit. We cannot diminish it. It is a constitutional issue, and authority and action by statute cannot affect it. Therefore, I think,

there are serious questions about the constitutionality.

Third, Mr. President, this is really, I think, a dangerous precedent. Today it is marriage, tomorrow it may be divorce, the third day it may be custody. Where will it end?

Mr. President, I do not think support of this is wise judgment. The States have the authority to be able to deal with it. It is particularly not necessary at the present time. I hope the legislation will be defeated.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, today the State of Hawaii's court is considering a case that would legalize same-sex marriage. This bill does not ban same-sex marriage, it just says that any State does not have to recognize a marriage performed in a State that does legalize same-sex marriage either through the courts or through legislation. I think this is a positive bill. Senator BYRD spoke eloquently on it.

In addition to that, this bill defines marriage as a legal union between male and female. It is almost absurd or unheard of to think we would have to do that. A lot of people, a lot of gay activists are requiring that we do that.

Mr. President, I urge our colleagues to support this legislation. It is constitutional. We do have opinions from the Attorney General and others in the Justice Department saying that it is constitutional. I urge my colleagues to support this important piece of legislation today.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. A rollcall has not been requested.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—85

Abraham	Bryan	Coverdell
Ashcroft	Bumpers	Craig
Baucus	Burns	D'Amato
Bennett	Byrd	Daschle
Biden	Campbell	DeWine
Bingaman	Chafee	Dodd
Bond	Coats	Domenici
Bradley	Cochran	Dorgan
Breaux	Cohen	Exon
Brown	Conrad	Faircloth

Ford	Johnston	Pressler
Frahm	Kassebaum	Reid
Frist	Kempthorne	Rockefeller
Glenn	Kohl	Roth
Gorton	Kyl	Santorum
Graham	Lautenberg	Sarbanes
Gramm	Leahy	Shelby
Grams	Levin	Simpson
Grassley	Lieberman	Smith
Gregg	Lott	Snowe
Harkin	Lugar	Specter
Hatch	Mack	Stevens
Hatfield	McCaïn	Thomas
Heflin	McConnell	Thompson
Helms	Mikulski	Thurmond
Hollings	Murkowski	Warner
Hutchison	Murray	Wellstone
Inhofe	Nickles	
Jeffords	Nunn	

NAYS—14

Akaka	Kennedy	Pell
Boxer	Kerrey	Robb
Feingold	Kerry	Simon
Feinstein	Moseley-Braun	Wyden
Inouye	Moynihan	

NOT VOTING—1

Pryor

The bill (H.R. 3396) was passed.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMPLOYMENT

NONDISCRIMINATION ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2056, the Employment Nondiscrimination Act of 1996, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2056) to prohibit employment discrimination on the basis of sexual orientation.

The Senate resumed consideration of the bill.

Mr. KENNEDY. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Massachusetts.

Mr. KENNEDY. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Ms. MOSELEY-BRAUN. I thank the Chair. I thank the Senator from Massachusetts.

Mr. President, every American should have the opportunity to work, to use their talents to the fullest extent possible, and no one should be discriminated against. No one should be denied the opportunity to work at jobs they are qualified to fill. That is why I am so proud to be a cosponsor of S. 932, the Employment Nondiscrimination Act, along with 30 of my colleagues.

Strides have to be made to provide gay and lesbian Americans with full and equal protection of the laws promised every American by the 14th amendment. Nowhere is the absence of that protection felt more insidiously than in the area of employment.

The Employment Nondiscrimination Act prohibits employment discrimination based on sexual orientation. It